RESOLUTION NO. 2009-28

(Central Washington Hospital Planned Development No. PD 2009-01)

A RESOLUTION, approving a variance from the zoning code and granting preliminary approval of "Central Washington Hospital Planned Development No. PD 2009-01."

WHEREAS, the Wenatchee Planning Commission held an open record hearing on March 18, 2009, at the hour of 7:00 p.m. for the purpose of taking public testimony regarding an application for a variance and a planned development described on Exhibit "A" attached hereto and incorporated herein as though fully set forth; and

WHEREAS, at the conclusion of the open record hearing on March 18, 2009, the Wenatchee Planning Commission made the following findings of fact:

1. The subject property is located in the Residential Moderate – RM zoning district and within the City of Wenatchee.
2. A complete application was submitted in accordance with Wenatchee City Code.
3. Appropriate notice of application and public hearing was sent in accordance with Wenatchee City Code, Title 10 Zoning and Title 13 Administration.
4. There are special circumstances related to the property, which include the size, shape, location, and public necessity of public structures and uses.
5. The special circumstances are not to be predicated upon any factor personal to the owner such as age or disability, extra expense which may be necessary to comply with the zoning code, the ability to secure a scenic view, the ability to make more profitable use of the property, nor any factor resulting from the action of the owner or any past owner of the same property.
6. The approval of the variance does not grant special privilege to the property in comparison with the limitations upon other properties in the vicinity with the same zoning.
7. The variance request is consistent with the purposes of Title 10 WCC and the Residential Moderate (RM) zoning district.
8. The variance will not be significantly detrimental to the public health, safety or welfare or injurious to the property or improvements in the vicinity.
9. The variance request of four (4) feet is the minimum necessary.

10. The application represents a Hospital Planned Development containing a six-story tower, increased surface parking, new access to Fuller Street, and combined access on Miller Street and has demonstrated consistency with the requirements of Wenatchee City Code.
11. The application represents a complete planned development with three (3) phases.
12. A SEPA Checklist has been submitted with the application materials and a Mitigated Determination of Non-significance (MDNS) was issued on February 26, 2009.
13. The Hospital Planned Development includes a variance request of four (4) feet to the required setbacks for taller structures. The applicant has demonstrated consistency with the variance requirements of Wenatchee City Code.
14. Resource Lands and Critical Areas Ordinance has been consulted in reviewing this application.
15. Wenatchee Planning Commission is empowered by Wenatchee City Code (WCC), Title 13 Administration of Development Standards to hear Planned Development applications and forward recommendations to the Wenatchee City Council.

WHEREAS, at the hearing on March 18, 2009, the Wenatchee Planning Commission made the following conclusions:

1. The subject application demonstrates consistency with the development standards and procedural requirements of WCC, Title 10 Zoning, Title 12 Environmental Protection, and Title 13 Administration of Development Standards.
2. The application demonstrates consistency with the Wenatchee Urban Area Comprehensive Plan, standards for a Hospital Planned Development, Chapter 10.42 WCC, and standards for a Variance, Chapter 10.70 WCC.
3. The variance will not be significantly detrimental to the public health, safety or welfare or injurious to the property or improvements in the vicinity.
4. The variance request is consistent with the purposes of Title 10 WCC and the Residential Moderate (RM) zoning district.
5. The variance request is the minimum necessary.
6. The application, as conditioned, demonstrates consistency with adopted levels of service for roads, utilities, fire protection facilities, schools and other public and private facilities needed to serve the development, with assurance of concurrency.
7. The application, as conditioned, will be harmonious with the surrounding area or its potential future use.
8. The proposal, as conditioned, will be superior to or more innovative than conventional development and will provide greater public benefit than required under adopted zoning standards.
9. With respect to the State Environmental Policy Act, of 1971, as amended, a detailed evaluation of the environmental implication of this project has been done. The evaluation resulted in a mitigated declaration of environmental non-significance being entered for the project on February 26, 2009.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WENATCHEE as follows:

SECTION I

The City Council of the City of Wenatchee does hereby adopt the findings and conclusions entered by the Wenatchee Planning Commission on March 18, 2009.

SECTION II

Based upon the findings and conclusions of the Wenatchee Planning Commission and the closed record hearing held on March 26, 2009, the City Council of the City of Wenatchee does hereby grant preliminary approval of planned development of the property described on Exhibit "A" known as the "Central Washington Hospital Planned Development No. PD 2009-01", and the requested variance, subject to the following conditions:

1. Designation of a property as a planned development (PD) binds the property owners and their successors to the development described and depicted in the application and approval of the PD.
2. The application materials and site plans attached to the staff report shall be the documents of record, as various versions have been submitted at various times. They will be labeled accordingly and all construction shall proceed in accordance with these documents.
3. The PD designation confirms that the PD is consistent with the purpose of and provisions for planned developments and the comprehensive plan and provides the standards by which subsequent development permits, including building permits, shall be reviewed.
4. All provisions, conditions and requirements of the PD approval shall be legally enforceable on the purchaser or any other person acquiring a lease or other ownership interest of any lot, parcel or tract re-created pursuant to the approved plan that depicts the PD.
5. Where conflicts arise, the more restrictive provisions, conditions, and requirements shall apply.
6. The variance must be acted upon within one year from the date of approval or the variance shall expire. The holder of the variance may request an extension of time before

the expiration of the variance and the administrator may grant one extension of time up to six months past the original date of expiration.

7. The requested variance of four (4) feet to reduce the required setback of fifty (50) feet to forty-six (46) feet shall be solely for the six-story tower proposed in this application and is not applicable to any other structures.

8. The building height shall be measured from existing grade to the highest point of the building not to exceed the proposed height of one hundred four (104) feet eleven (11) inches.

9. For the purposes of the International Building Code, the applicant has stated their intention is for the six-story building not to be considered a High-Rise Building. This means that the floor level of the highest occupied floor to the lowest level of fire department access cannot exceed seventy-five feet in height. Since the proposed type of construction is Type 1-A, the penthouse roof structure height is not limited for the purposes of the building code if the area aggregate of penthouses and other roof structures does not exceed one-third of the area of the roof and the uses are limited to the sheltering of mechanical equipment or vertical shaft openings. If other uses are proposed they shall be considered an additional story. Therefore, to be consistent with the IBC and Section 10.42.080 (F), the following conditions are imposed:

    a. All uses on the roof shall be limited to the sheltering of mechanical equipment or vertical shaft openings.

    b. The building height to the tallest point of the building shall follow condition #2 above.

10. Prior to City approval of any additional services or uses or expansion of uses approved within this planned development, a parking analysis shall be completed by the applicant to demonstrate consistency with Chapter 10.60 WCC. The approved parking levels established by this planned development are for a hospital with 192 beds and professional/medical office, retail, food service, and other uses at a gross square footage of 44,000 square feet.

11. Prior to final approval of any civil infrastructure plans and/or prior to the issuance of a building permit - whichever occurs first, the applicant shall provide the City with a performance bond or other acceptable surety guaranteeing installation of required public improvements.

12. Prior to final occupancy, all landscaping shall be installed consistent with the approved plan on file with the City of Wenatchee Community Development.

13. The landscape plan shall contain the language identified in Section 10.62.030 with the signature of the landowner.

14. Prior to final occupancy, landscaping shall be inspected by an approved the landscape professional of record, consistent with city code, and a letter shall be provided to the City of Wenatchee Community Development Department from said landscape professional indicating the inspection and consistency with the approved landscaping plan.

15. Erosion Control. Temporary erosion and sedimentation control measures shall be employed throughout project construction and shall be consistent with the conditions of approval.

16. Limiting clearing and land-disturbing activities to the minimum area needed to construct the project.

17. Refueling construction equipment and storing materials away from surface waters and wetlands.

18. Employing temporary (e.g., plastic sheeting) and permanent (e.g., hydroseeding) cover measures to protect disturbed areas.

19. Restricting the length of time soils are allowed to remain unprotected.

20. Installing barriers (e.g., silt fences, straw bale barriers, and sediment ponds or basins) prior to upslope grading to prevent sediment from leaving the site and entering downstream waterways via runoff.

21. Stabilizing construction site entrances, roads, and parking areas used by construction traffic with rock pads to minimize erosion and tracking of sediment off-site.

22. Constructing ditches and/or dikes to intercept and divert surface water runoff to a sediment trap or pond and away from exposed soils in the construction areas.

23. Implementing preventive measures, such as watering or covering exposed soils, during summer months to minimize the wind transport of soils, as needed.

24. Working within waterways, riparian buffers, wetlands, and wetland buffers subject to conditions dictated by permits/approvals received for the project.

25. Designating personnel to inspect and maintain temporary erosion and sediment control measures.

26. Performing maintenance as soon as a problem is discovered.

27. Stripped surfaces in non-construction areas should be revegetated as soon as possible.

28. Requiring that sufficient plastic matting be present on-site at all times to cover exposed soil prior to rainfall and when construction occurs prior to May 1.

29. Permanent control of surface water shall be incorporated in the final grading and site design (i.e. stormwater shall be treated for water quality/quantity).

30. Air Mitigation Measures. The project shall be required to comply with all relevant federal, state, and local air quality laws, and shall be required to control dust and odors sufficiently to comply with clean air agency regulations.

31. Boilers shall be equipped with ultra low NOx burners or equivalent as deemed appropriate by the local clean air agency requirement.

32. The hospital shall employ an electric crane during construction of the tower.

33. Spraying exposed soil and storage areas with water during dry periods.

34. Cover dirt, gravel, and debris piles as needed to reduce dust and windblown debris.

35. Covering loads of excavated material being transported from the site. Cover all trucks transporting materials, wetting materials in trucks, or providing adequate freeboard (space from the top of the material to the top of the truck bed), to reduce PM10.

36. Complying with the regulations to control odorous emissions (i.e. cover loads of hot asphalt) so as to prevent undue interference with nearby uses.

37. Sweeping and/or washing dirt/mud from vehicles before the vehicles leave the construction area.

38. Installing and maintaining rock pads at construction area entrances and exits.

39. Locate construction equipment away from sensitive populations such as the elderly or young.

40. Locate construction staging zones where diesel emissions won't be noticeable to the public or near sensitive populations.

41. Remove particulate matter deposited on paved, public roads and sidewalks to reduce mud and dust; sweep and wash streets frequently to reduce emissions.

42. It is anticipated that vehicle emissions associated with construction of the project will be short-term. Measures to minimize vehicle emissions shall include the following:

    a. Equipping construction equipment with appropriate emission controls.

b. Implement restrictions on construction truck idling (e.g., limit idling to a maximum of 5 minutes)

c. Maintaining all construction machinery engines in good mechanical condition to minimize exhaust emissions.

d. Using flaggers at roadways to reduce queuing time.

e. Route and schedule construction trucks to reduce delays to traffic during peak travel times to reduce air quality impacts caused by a reduction in traffic speeds.

43. During construction, the following measures shall be taken to reduce or control impacts to water:

a. Stabilizing exposed soils with vegetative cover or other erosion control treatment during and immediately following construction.

b. Implementing a Temporary Erosion and Sediment Control (TESC) Plan to address erosion control (including directing runoff away from unstabilized soils, slowing runoff with structures, and installing silt fences to catch sediment).

c. Developing, implementing, and maintaining a Stormwater Pollution Prevention Plan (SWPPP) to minimize erosion resulting from rainfall runoff at construction sites, and to reduce, eliminate, and prevent the pollution of stormwater.

d. Developing a Spill Prevention Control and Countermeasures Plan (SPCC) to manage toxic materials associated with construction activities (including the protocols for dealing with equipment leaks, disposal of oily wastes, cleanup of any spills, and proper storage of petroleum products/chemicals).

44. During project operation, flow control is required for all developed portions of the site. The following actions shall be taken to reduce impacts to surface, ground, and runoff water:

a. Sweep paved material handling and storage areas regularly, as needed, for the collection and disposal of dust and debris that could contaminate stormwater.

b. Clean oils, debris sludge, etc. from all BMP systems, regularly, including catch basins, setline/detention basins, oil/water separators, boomed areas, and conveyance systems, to prevent the contamination of stormwater.

c. Do not hose down pollutants from any area to the ground, storm drain, conveyance ditch, or receiving water unless necessary for dust control purposes to meet air quality regulations, and unless the pollutants are conveyed to a treatment system approved by the local jurisdiction.

d. Routinely inspect and document the condition of all stormwater facilities every six months, before and after the wet season. Also, inspect all facilities immediately following significant rainfall events.

e. Clean treatment BMPs, conveyance systems, and catch basins as needed, and determine whether improvements in Operations and Maintenance (O&M) are needed.

f. Promptly repair any deterioration threatening the structural integrity of the facilities. These include replacement of clean-out gates, catch basin lids, and rock in emergency spillways.

g. Ensure that storm sewer capacities are not exceeded and that heavy sediment discharges to the sewer system are prevented.

h. Regularly remove debris and sludge from BMPs used for peak-rate control, treatment, etc. and discharge to a sanitary sewer if approved by the sewer authority or truck to a local or state government-approved disposal site.

i. Clean catch basins when the depth of deposits reaches 60 percent of the sump depth as measured from the bottom of basin to the invert of the lowest pipe into or out of the basin. However, in no case should there be less than six inches clearance from the debris surface to the invert of the lowest pipe. Some catch basins (for example, WSDOT Type 1L basins) may have as little as 12 inches sediment storage below the invert. These catch basins will need more frequent inspection and cleaning to prevent scouring. Where these catch basins are part of a stormwater collection and treatment system, the system owner/operator may choose to concentrate maintenance efforts of downstream control devices as part of a systems approach.

j. Clean woody debris in a catch basin as frequently as need to ensure proper operation of the catch basin.

k. Post warning signs; "Dump No Waste – Drains to Ground Water," "Streams," "Lakes," or emboss on or adjacent to all storm drain inlets *where practical.*

l. Disposal of sediments and liquids from the catch basins must comply with "Recommendations for Management of Street Wastes" described in Appendix IV-G of the Central Washington Patient Tower Expansion Stormwater Report.

m. Implementing natural dispersion as the final form of flow control proposed for the site.

n. Complying with permit conditions, including required measures to reduce or control impacts to surface water, groundwater, and runoff.

45. To protect against hazardous substance spills from routine equipment operation and maintenance activities during construction, the contractor shall be required to provide an emergency response plan and to demonstrate knowledge of proper hazardous material storage, handling, and emergency procedures, including proper spill notification and response requirements.

46. Best Management Practices (BMPs) shall be used during construction. One source of appropriate BMPs is Ecology's *Stormwater Management Manual for Eastern Washington* (Ecology, 2005).

47. The hospital shall develop, maintain, and administer an operational procedures manual outlining proper hazardous material storage, handling, and emergency procedures, including proper spill notification and response requirements.

48. The new diesel fuel tank shall be double-walled.

49. Developing a Spill Prevention Control and Countermeasures Plan (SPCC) to manage toxic materials associated with construction activities (including the protocols for dealing with equipment leaks, disposal of oily wastes, cleanup of any spills, and proper storage of petroleum products/chemicals).

50. To reduce temporary noise impacts associated with construction, contractors shall comply with all state and local regulations relating to construction noise. The following measures shall be incorporated into contract specifications to help reduce the effects of construction noise:

    a. Utilize an electric crane verses a diesel powered crane to lower noise during construction.

    b. Installing sound control devices on equipment that is at least as effective as those on the original equipment. No equipment shall have un-muffled exhaust.

    c. As directed by the project construction manager, the contractor shall implement appropriate additional noise mitigation measures, possibly including changing the location of stationary construction equipment, shutting off idling equipment, rescheduling construction activity, notifying adjacent residents in advance of construction work, or installing acoustic barriers around stationary sources of construction noise.

    d. Long term, the cooling towers shall be surrounded by an architectural screening wall with acoustical dampening features. Sound attenuators shall be fitted on the

emergency generators and other pieces of noise generating machinery or equipment in the CUP. The hospital, as in the past, will work with the city if and when noise complaints arise to address the situation in an expedient manner.

51. Long term, the cooling towers shall be surrounded by an architectural screening wall with acoustical dampening features. Sound attenuators shall be fitted on the emergency generators and other pieces of noise generating machinery or equipment in the CUP. The hospital, as in the past, will work with the city if and when noise complaints arise to address the situation in an expedient manner.

52. Architectural design features and materials will help provide visual interest and connectivity between the metal panels, and glass windows together and provide screening. Decorative grills and screens and an enlarged overhang to enhance the terminus effect of the building mass against the sky.

53. In addition, the aesthetic quality of the Hospital will be enhanced through the use of ornamental and specimen-type plantings. The planting design will look to establish a clear identity at vehicular and pedestrian entries and also along frontage roads. Parking areas and operational facilities shall be effectively screened from the surrounding residential community. A combination of courtyards, sitting areas, and intimate-scale plantings shall be used to help create a pleasing experience for Hospital users and visitors alike.

54. Lighting Mitigation Measures shall be employed to reduce the long-term impacts of lighting and glare to the surrounding receptors.

55. Artificial lighting shall be hooded or shaded so that direct light of lamps shall not result in glare when viewed from the surrounding property or rights-of-way.

56. Artificial lighting shall use full cut-off fixtures so that direct light from high-intensity lamps shall not result in glare.

57. Orientate lighting to direct it away from adjoining properties.

58. Bulb wattage and pole height shall be limited so that the lighting levels at the site property lines do not exceed 0.8 foot-candle after the burn-in period for the light fixture and 1 foot-candle at installation.

59. If human remains or archaeological resources are encountered during the course of construction, earth movement, clearing, or other site disturbance, all work shall immediately halt until the significance of the resource can be evaluated by a qualified archaeologist. The contractor shall be required to promptly notify the affected tribes and DAHP to determine an appropriate course of action.

60. Transportation impact mitigation shall be included in project construction documents.

61. Refine the proposed parking expansion areas to include some compact stalls to maximize the spaces available.

62. Signs, steel plates, barricades, warning lights, and/or traffic cones shall be used at all openings, obstructions, detours, or other hazards on the roadway, as necessary, to ensure the safety of pedestrians, bicyclists, and vehicles.

63. Personnel shall be provided to direct traffic around and through the construction area so that traffic moves smoothly.

64. All traffic control shall be conducted in accordance with the City of Wenatchee requirements, as determined by the Department of Public Works.

65. Intersections/roadways of concern shall be identified and project impacts shall be addressed in a traffic control plan.

66. Using flaggers at roadways to reduce queuing time.

67. Route and schedule construction trucks to reduce delays to traffic during peak travel times to reduce air quality impacts caused by a reduction in traffic speeds.

68. Sweeping and/or washing dirt/mud from vehicles before the vehicles leave the construction area.

69. Installing and maintaining rock pads at construction area entrances and exits.

70. For the potential impacts as a result of the drop-off loop at the south side of the parking garage:

    a. Post signs and curb markings prohibiting parking except for immediate pick up or drop off along the loop. Have hospital or law enforcement present to enforce these measures.

    b. The landscaping on the west side of Fuller Street must be evaluated and likely trimmed back so as not interfere with intersection sight distance from the entrance on to Fuller Street.

    c. On-street parking on west side of Fuller Street may also need to be restricted near the entrance to ensure adequate sight distance for vehicles entering and leaving the east loop entrance.

    d. The sidewalks at the east entrance need to be laid out to meet driver and pedestrian expectation. The roadway, landscaping, pedestrian movements, and

vehicle movements need to be worked together so as not to affect the safe and efficient movement of traffic this location.

71. The following proposed mitigation measures shall be implemented to control construction-related transportation impacts on public services:

    a. Conduct all traffic control in accordance with the City of Wenatchee requirements to the satisfaction of the City Engineer.

    b. Notifying LINK transit, school districts, law enforcement, and fire/emergency service providers of construction dates in advance, and providing project schedule updates throughout the construction period.

    c. Posting construction schedules on local roads, and/or providing notification to area residents, where appropriate.

    d. Identifying intersections/roadways of concern and addressing project impacts in a traffic control plan.

72. Comply with all applicable building, plumbing, mechanical, accessibility codes and Washington State Energy Code.

73. At the time of building permit submittal, a foundation and soils investigation report shall be submitted.

74. The owner shall employ a Special Inspector to inspect all of the required special inspections required in Section 1704 of the International Building Code.

75. The owner shall employ a registered design professional to perform structural observations required in Section 1709 of the International Building Code.

76. At minimum, Fuller Street side shall require one (1) new and potentially two (2) relocated fire hydrants to comply with the Wenatchee City Code modified IFC for hydrant spacing requirements of three hundred feet (300).

77. Access to the new tower off Fuller Street is required to meet IFC Appendix D105--- "Aerial Fire Apparatus Access Road". This code requires unobstructed access along one entire side of buildings over thirty (30) feet in height, being a twenty-six (26) foot minimum width roadway parallel to and not less than fifteen (15) or more than thirty (30) feet from the building. The intent of this code can be met using the short east side of the building provided the floor configuration allows some kind of hallway/stairway/common area exposure for access on that east "side" to be used in the unlikely event of a required ladder operation.

78. The Apparatus Access Road shall be maintained free and clear at all times.

79. Provide water quality treatment in accordance with the Eastern Washington Storm Water Management Manual. Specific requirements are addressed in the redevelopment section of the manual.

80. Provide conveyance system designed to ten (10) year storm with overflow to the City Storm System. Connections to City Storm System require approval.

81. Wastewater discharges shall be in compliance with WCC Section 4.08.080. Please refer to WCC Section 4.08.080 (2)(j) for specific requirements on cooling tower discharges.

82. To mitigate transportation impacts to the neighborhood during construction, all contractors and construction workers shall not park on public streets or in the hospital parking lots. All contractors and construction workers shall park at the designated off-site parking location acceptable to the City of Wenatchee.

83. Central Washington Hospital shall provide a shuttle for the transportation of contractors and construction workers between the off-site parking location and hospital construction site.

PASSED BY THE CITY COUNCIL OF THE CITY OF WENATCHEE, at a regular hearing thereof, this 26th day of March, 2009.

CITY OF WENATCHEE, a Municipal Corporation

By: _____
DENNIS JOHNSON, Mayor

ATTEST:

By: _____
BRENDA GUSKE, Interim City Clerk

APPROVED:

By: _____
STEVE D. SMITH, City Attorney